

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

THOMAS LOVATO,

Petitioner,

v.

No. CIV 09-967 RB/RHS

JAMES JANECKA, Warden,  
Lea County Correctional Facility,

Respondent.

**ORDER OF DISMISSAL**

THIS MATTER comes before the Court on the Magistrate Judge's Findings and Recommended Disposition ("FRD"), filed November 17, 2010 [**Doc. 17**]. Mr. Lovato filed objections to the FRD on January 20, 2011. (See Petitioner's Objections to Magistrate Judge[']s Report, Recommendation and Order ("Objections") [**Doc. 21**]). In his Objections, Mr. Lovato appears to raise some entirely new claims of error, in addition to re-asserting some of the claims set forth in his petition. However, nothing in the Objections challenges the findings and recommendations of the Magistrate Judge in anything but a general and conclusory manner. Having reviewed the FRD, and having considered *de novo* those portions of the FRD to which Mr. Lovato presumably objects, the Court will adopt the Magistrate Judge's proposed findings, deny Mr. Lovato's petition for writ of habeas corpus, and dismiss this civil proceeding with prejudice.

WHEREFORE,

IT IS ORDERED that the proposed findings of the Magistrate Judge [**Doc. 17**] are adopted by the Court; and

IT IS FURTHER ORDERED that the Petition Pursuant to 28 U.S.C. § 2254 for Writ of

Habeas Corpus **[Doc. 1]** is **denied** and this civil proceeding is **dismissed with prejudice**; and

IT IS FURTHER ORDERED that any remaining pending motions be **denied** as moot.

A handwritten signature in black ink, appearing to read "Robert Zuck", is positioned above a horizontal line.

UNITED STATES DISTRICT JUDGE